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Corporation Counsel

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June 8, 2023

**BY Electronic Case Filing**

Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

In Re: *New York City Policing During Summer 2020 Demonstrations*  
No. 20 Civ. 8924 (CM) (GWG)  
This filing is related to all cases

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and I am among counsel for the defense in the above-referenced matter. Defendants write in response to plaintiffs' request for defendants to re-produce Chief Jeffrey Maddrey for deposition and pay associated costs, or in the alternative, to produce the closed disciplinary records at issue and answer relevant interrogatories under oath. (Docket No. 1042). Defendants respectfully submit that paying the cost to re-produce Chief Maddrey for a second deposition is not warranted. As such, defendants respectfully request that plaintiffs' application be denied.

**BACKGROUND**

As set forth in plaintiffs' motion, Chief Maddrey appeared at his deposition on May 26, 2023. Near the start of the deposition, Chief Maddrey testified that he had been deposed in 2018 in a still pending civil lawsuit. (Excerpt of the Deposition of Chief Jeffrey Maddrey, taken on May 26, 2023, annexed hereto as Exhibit A, at 6:21-7:23). He further testified that he had been accused of lying under oath in 2017 in an NYPD internal IAB investigation involving Ms. Foster that arose out of the same circumstances as in her open civil lawsuit. (Exhibit A at 10:25-11:24).

Defending counsel then informed plaintiffs that the attorney who represents Chief Maddrey

in the open civil case (which also relates to the internal investigation) intended to be present later in the deposition, and requested that plaintiffs wait to ask questions related to those two matters until his private counsel appeared at 2:30 or 3:00 p.m., and plaintiffs agreed to do so. (Exhibit A at 11:25-13:15).

When plaintiffs were almost prepared to question Chief Maddrey about his open civil case and an open CCRB case later in the deposition, defending counsel informed plaintiffs of a communication from Chief Maddrey's private attorney that he would not be able to appear at the deposition. (Exhibit A at 237:2-238:7). Defending counsel then advised plaintiffs that Chief Maddrey could not answer questions about his open civil case and CCRB case without his private counsel being present. However, counsel assured plaintiffs that Chief Maddrey would return to answer questions about his open cases with his private counsel present, but would not pay the court reporter fee for the further deposition. (Exhibit A at 238:7-239:6).

Plaintiffs then sought testimony on matters unrelated to Chief Maddrey's open cases or closed IAB case. (Exhibit A at 242:19-263:13). When plaintiffs returned to that line of examination regarding his open cases and closed IAB case, defending counsel also did not allow Chief Maddrey to testify about the underlying facts of the closed IAB case that is related to the open civil case as well as his open CCRB case as his private counsel was not present. (Exhibit A at 263:14-266:14, 267:24-270:17, 275:7-277:15, 278:9-281:6). However, the undersigned reiterated that Chief Maddrey would be produced again when his private counsel could be present. (Exhibit A at 284:6-18).

On May 30, 2023, the next business day, defendants e-mailed plaintiffs to request available dates to complete Chief Maddrey's deposition. Plaintiffs responded by e-mail the same day to inquire whether defendants had changed their position on paying the court reporter fee for Chief Maddrey's continued deposition. Plaintiffs then sent another e-mail on May 31, 2023, and advised that in lieu of having Chief Maddrey appear for a continued deposition, plaintiffs would accept production of the full closed IAB file, and have Chief Maddrey provide responses to interrogatories about that file.

Defendants responded by e-mail on June 1, 2023, to advise that defendants were conferring with Chief Maddrey's private counsel about the two options plaintiffs provided. Defendants also requested that Chief Maddrey's deposition transcript be provided forthwith to help determine whether defendants would re-produce Chief Maddrey for a deposition or consider plaintiffs' newly proposed option of producing the full closed IAB file and have Chief Maddrey respond to interrogatories regarding that file.

Plaintiffs filed the instant motion on June 6, 2023, without having provided Chief Maddrey's deposition transcript. Rather, plaintiffs chose to send the deposition transcript on June 6 *after* they filed the instant motion, and before defendants had the opportunity to discuss Chief Maddrey's deposition transcript with his private counsel.

Also, defendants advised plaintiffs by e-mail today that they agree to pay the court reporter fee for Chief Maddrey's second deposition as requested by plaintiffs. However, plaintiffs refused to withdraw their motion.

## ARGUMENT

### **I. The Court Should Deny Plaintiff's Request to Compel Defendants to Pay the Costs for Chief Maddrey's Further Deposition and Making the Instant Motion**

As Chief Maddrey's deposition transcript shows, and as plaintiffs acknowledge in the instant motion, defendants have already agreed to re-produce Chief Maddrey to complete his deposition with his private counsel present. Defendants sought the deposition transcript in order to confer with private counsel to determine the best course of action based on the options presented by plaintiffs. Plaintiffs would not make that simple accommodation until after making their motion. In any event, defendants have already agreed to pay for the one hour of deposition testimony plaintiffs seek in order to complete Chief Maddrey's deposition. Had plaintiffs provided the transcript as requested, defendants believe their application would not have been necessary. Accordingly, the Court should deny the portion of plaintiffs' request to pay the court reporter fee for Chief Maddrey's second deposition as moot.

With respect to plaintiffs' request for fees associated with making the instant motion to compel, Rule 37 establishes a mechanism under which reasonable fees can be recovered if a motion to compel is granted. *See* Fed. R. Civ. P. 37. However, Rule 37 is also clear that a party cannot recover fees when "the nondisclosure was 'substantially justified' or 'other circumstances make an award of expenses unjust.'" *See Underdog Trucking, L.L.C. v. Verizon Servs. Corp.*, 273 F.R.D. 372, 377 (S.D.N.Y. 2011)(citing Fed. R. Civ. P. 37(a)(5)(A)(ii), (iii)). In turn, reasonableness of a party's conduct is determined by whether there was genuine dispute or if reasonable people could differ as to the appropriateness of the contested action." *Id.* (citing *Comprehensive Habilitation Servs. v. Commerce Funding Corp.*, 240 F.R.D. 78, 87 (S.D.N.Y. 2006) (denying sanctions motion where opposing party raised valid relevancy objections to document requests)).

Here, the New York City Law Department cannot represent a deponent on matters involving an open investigation as that presents a conflict of interest. In addition, as Chief Maddrey has retained private counsel to represent his interests in the open CCRB investigation and civil lawsuit, this Office, under the codes of ethics, were obligated to have his private counsel present for such examination. Defending counsel's refusal to allow Chief Maddrey to answer questions about these matters without the benefit of his private counsel was substantially justified. Allowing Chief Maddrey to answer questions about open cases without his private counsel present could have led to him giving potentially incriminating statements without the benefit of his private counsel being present, and potentially jeopardizing his defense in those open cases. In fact, there have been other depositions in the consolidated cases where union counsel had to appear at depositions to represent an officer because this Office declined representation in full or because there was an open investigation.

The fact that his private counsel could not eventually appear at the deposition was beyond this Office's control. Indeed, he represented that he could be available, and we have no reason to believe he did not make best efforts before advising us that he could not appear. In addition, as previously stated, defendants voluntarily agreed several times on the record to re-produce Chief

Maddrey to complete his deposition with his private counsel present so that his interests could be fully protected.

Under such circumstances, defendants' refusal to allow Chief Maddrey to answer questions about the underlying facts of his open cases when his private counsel was not present was substantially justified.

Moreover, the questions posed about Chief Maddrey's open cases had nothing to do with his involvement in any protest cases, and were not germane in any manner. As such, while plaintiffs wanted to examine him on these matters, they were unrelated to his participation in any Summer 2020 protests. To be clear, although defendants do not believe that in-depth examination was needed on these matters, which were unrelated to the Summer 2020 Protests, defendants never sought to prevent him from being re-produced for that limited purpose. Rather, he just had to have proper legal representation.

The crux of the dispute though is plaintiffs' complaint that defendants would not agree to pay for the additional hour of deposition testimony. Defendants were provided with different options from plaintiffs to obtain this testimony: 1) Chief Maddrey's return to sit for another hour of deposition; or 2) production of the full IAB file involving Tabatha Foster (which is unrelated to the Summer 2020 Protests), and Chief Maddrey's responses to interrogatories about that file. As defendants did not represent Chief Maddrey on these matters, it was reasonable for us to confer with his private counsel before reaching a decision. Ultimately, it was decided, in consultation with his private counsel, that Chief Maddrey would have a second sitting and defendants would agree to pay for the cost of the court reporter for the one hour. Defendants are working with Chief Maddrey's private counsel and will include plaintiffs to schedule a mutually available date.

### CONCLUSION

For the reasons stated herein, defendants respectfully request that the Court: 1) deny plaintiffs' request to have defendants pay the court reporter costs for Chief Maddrey's second deposition as that request is moot; and 2) deny plaintiffs' request for fees under Rule 37.

Thank you for your time and consideration.

Respectfully submitted,

Joseph M. Hiraoka, Jr. s/

Joseph M. Hiraoka, Jr.  
Senior Counsel  
Special Federal Litigation Division

Encl.

cc: ALL COUNSEL (via ECF)

## EXHIBIT A

Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 PEOPLE OF THE STATE OF NEW YORK, by Letitia  
6 James, Attorney General of the State of New  
7 York,

8  
9 PLAINTIFF,

10 -against- Case No.:  
11 21-cv-322 (CM) (GWG)

12 CITY OF NEW YORK, MAYOR BILL DE BLASIO,  
13 POLICE COMMISSIONER DERMOT F. SHEA, and  
14 CHIEF OF DEPARTMENT TERENCE A. MONAHAN,

15 DEFENDANTS.  
16 -----X

17 DATE: MAY 26, 2023  
18 TIME: 10:32 A.M

19 REMOTE DEPOSITION of CHIEF JEFFREY  
20 MADDREY, taken by the Plaintiffs, pursuant to  
21 a Notice and to the Federal Rules of Civil  
22 Procedure, held via video teleconference,  
23 before Diane Buchanan, a Notary Public of the  
24 State of New York.  
25

A P P E A R A N C E S:

NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL  
Attorneys for the Plaintiffs  
28 Liberty Street  
New York, New York 10005  
BY: LILLIAN MARQUEZ, ESQ.

NEW YORK CITY LAW DEPARTMENT  
Corporation Counsel of the City of New York  
100 Church Street  
New York, New York 10007  
BY: JOSEPH HIRAOKA, ESQ.

ALSO PRESENT: Alicia Calzada, Esq.  
Veronica Salama, Esq.  
Aymen Aboushi-Rolan, Esq.  
Elizabeth Moehle, Esq.  
Laura Mülle

\* \* \*

F E D E R A L   S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

\* \* \* \*



1 CHIEF JEFFREY MADDREY  
2 People of State of New York in one  
3 litigation. As you may have had this  
4 experience before the court reporter you just  
5 met will be recording your answers and I'm  
6 also, as I mentioned, recording this on the  
7 Zoom software that we have here. Do you  
8 understand, Chief, that you just took an oath  
9 to tell the truth?

10 A. Yes, I do. Yes, I do.

11 Q. Okay. And though we are on Zoom  
12 conference call, that is the same oath you  
13 would take had you testified in court today?

14 A. Yes.

15 Q. Have you ever been deposed before?

16 A. Yes.

17 Q. When?

18 A. The last time I believe was in  
19 2018.

20 Q. What was the circumstance?

21 A. It was -- I was being sued. I was  
22 being sued civilly in 2018.

23 Q. Is that suit over or is that  
24 ongoing?

25 A. It's still ongoing.

1 CHIEF JEFFREY MADDREY

2 Q. What is the case name?

3 A. It's Tabatha Foster versus Jeffrey  
4 Maddrey.

5 Q. Do you happen to know the case site  
6 or what court it's in?

7 A. No, I'm not aware.

8 Q. Or if it's state court versus  
9 federal court?

10 A. State court.

11 Q. Okay. And what does that case  
12 pertain to?

13 A. It's a defamation of character  
14 suit.

15 Q. And so, sorry, you are being sued  
16 for defamation of character?

17 A. Yes.

18 Q. Any other claims?

19 A. That's the only claim.

20 Q. Okay. You mentioned that you, I  
21 guess, you were a defendant and so you were  
22 just testifying pursuant to Notice there?

23 A. Yes.

24 Q. And any other times that you have  
25 been deposed before?

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CHIEF JEFFREY MADDREY

don't know exactly who. And the City of  
New York.

Q. Okay. Any other times you recall  
being deposed?

A. No. I think I was deposed one  
other time, it was an extremely long time  
ago. I don't remember.

Q. Was it while you were in NYPD?

A. Yes.

Q. Or in your capacity as a member of  
the service?

A. Yes.

Q. More than ten years ago would you  
say?

A. Yes.

Q. Any other times?

A. The best of my recollection, that's  
it.

Q. Okay. And I'm guessing you also  
testified in criminal cases?

A. Yes.

Q. How many times would you say?

A. At least ten times.

Q. Have you ever been accused of lying

1 CHIEF JEFFREY MADDREY

2 under oath?

3 A. Yes.

4 Q. When?

5 A. In 2017.

6 Q. In connection with what?

7 A. In connection with a case in the  
8 police department.

9 Q. Internal investigation?

10 A. Internal investigation, yes.

11 Q. Involving who?

12 A. The same case with Tabatha Foster.

13 Q. When you say the same case, is it  
14 arising from the same circumstances or  
15 involving that civil suit that's in court  
16 right now?

17 A. Arising from the same  
18 circumstances.

19 Q. Involving, I'm not sure what her  
20 rank was, Tabatha Foster?

21 A. She was a police officer.

22 Q. PO. Okay. And was Officer Foster  
23 a subordinate of yours or outside of your  
24 command?

25 MR. HIRAOKA: Ms. Marquez, I just

1 CHIEF JEFFREY MADDREY

2 want to step in for a moment. The case  
3 is still open and I'm not representing  
4 Chief Maddrey with respect to that open  
5 case. The attorney who is representing  
6 him should be available later this  
7 afternoon. So, I have no problems with  
8 you asking questions about that, but I  
9 will not allow him to answer questions  
10 while his attorney is not present. If  
11 you could wait to ask questions about  
12 open cases until 2:30, 3 o'clock, when  
13 his private attorney could log in, that  
14 would be appreciated.

15 Q. My understanding, Chief, that was  
16 closed under plea, that particular  
17 investigation; is that right?

18 A. Yes.

19 MS. MARQUEZ: Joe, do you still  
20 want me to wait, I could do that later,  
21 but my understanding that it's closed.

22 MR. HIRAOKA: That would be  
23 appreciated. Because there could be  
24 some overlap and so forth to prevent  
25 future problems when his attorney who

1 CHIEF JEFFREY MADDREY  
2 represents him on the case that is still  
3 open, since the facts they may overlap I  
4 think to prevent any problems if you  
5 could wait until his private attorney is  
6 available and logs in, that would be  
7 better. I would very much appreciate  
8 it.

9 MS. MARQUEZ: What time are they  
10 joining?

11 MR. HIRAOKA: He should be  
12 available between 2:30 and 3:00.

13 MS. MARQUEZ: Okay.

14 Q. I will hold off on those questions,  
15 Chief.

16 Aside from that instance of that  
17 accusation in you said 2017?

18 A. Yes, I was deposed in 2017, 2017.

19 Q. You were deposed, sir?

20 A. Yes, I was deposed in 2017. Yes.

21 Q. And I just want to make sure, I  
22 will get into the questions a little more  
23 then. I just wanted to make sure I was about  
24 to ask a follow-up about depositions versus  
25 interviews with IAB. Because I will make a

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CHIEF JEFFREY MADDREY

MS. MARQUEZ: Joe, I thought his counsel would have been here by now. I thought you mentioned 2:30.

MR. HIRAOKA: Yes, I think I got a communication earlier, I don't know if he's actually going to be able to make it today. So, what I could suggest right now and of course you are allowed to ask him other questions. If he's not available today I will bring him back Chief Maddrey to finish the deposition.

MS. MARQUEZ: We can go off the record for this. It is 4:33.

(Whereupon, an off-the-record discussion was held.)

MS. MARQUEZ: On the record again at 5:02 p.m. There was an open question about when we were closing out the last break about an open I believe it's a CCRB and so, Joe, we asked you to check to see because you said that his personal attorney, you could put it on the record whatever you explained to me and then I can respond.

CHIEF JEFFREY MADDREY

MR. HIRAOKA: So, for the record, I found out that Chief Maddrey's personal attorney regarding his open cases will not be able to appear today partly because it's the holiday weekend and his office is closed. Given the fact that Chief Maddrey does have an open CCRB case and he does have an open civil lawsuit that is related to a closed IAB investigation. Since his Counsel is not here for those two cases, I will not allow him to answer any questions regarding the open CCRB case or the open civil case involving a closed IAB lawsuit. With respect to the closed IAB lawsuit, like I said I have no problem with you asking general things, like the general allegations and the outcome and any penalty, but because his private attorney is not here, I will not allow him to answer questions regarding the underlying facts until his personal attorney is here. As I indicated on the record, Chief Maddrey will come back to



1 CHIEF JEFFREY MADDREY

2 answer those questions with his private  
3 counsel present and we can go forward  
4 and also we would not consent to pay for  
5 the deposition transcript for when Chief  
6 Maddrey returns.

7 MS. MARQUEZ: As I was informing  
8 Counsel off the record, and will now  
9 state on the record, it was already put  
10 on the record that at the start of the  
11 deposition, you know, you represented to  
12 me that his private counsel would be on  
13 this afternoon, he did not come on in  
14 the afternoon and you had asked me to  
15 hold off asking questions based on that  
16 representation and I did. And now it's  
17 past business hours and I don't feel  
18 it's right to call the Court at this  
19 hour to ask for a ruling on this, but  
20 it's not appropriate to direct a witness  
21 to not answer questions regarding an  
22 open CCRB case, which is not anything  
23 that is protected, as I understand it,  
24 there's no privilege there, there's no  
25 other basis I'm aware of that you can

1 CHIEF JEFFREY MADDREY

2 late this afternoon that I was informed  
3 he would not be available. So, I have  
4 no control over that. I apologize. At  
5 this point I would ask you continue with  
6 your deposition and any future disputes  
7 we have regarding fees and so forth will  
8 be taken up at the appropriate time. I  
9 have no problem with you finishing up  
10 the questions you have right now. And  
11 like I said we will bring Chief Maddrey  
12 back regarding any questions you have  
13 regarding any open cases he may have.

14 MS. MARQUEZ: When were you alerted  
15 private counsel would not be available?

16 MR. HIRAOKA: That was  
17 approximately, approximately 3:45 this  
18 afternoon, approximately.

19 Q. Let's start with the rest of the  
20 questions. Chief, we went over a number of  
21 incidents, I remember one more protest you  
22 said you were at June 3rd, Cadman Plaza,  
23 correct?

24 A. Yes.

25 Q. Were you the incident commander

1 CHIEF JEFFREY MADDREY

2 there?

3 A. Yes.

4 Q. And did you issue any orders to  
5 disburse?

6 A. Yes.

7 Q. And what were the words you used,  
8 or if you used a device, what device did you  
9 use?

10 A. I believe we used a LRAD, I don't  
11 remember exactly.

12 Q. You don't remember the message used  
13 on the LRAD?

14 A. We used the mega phone. We were --  
15 it was the curfew was in effect. We had a  
16 large group trying to cross over the bridge  
17 and we wouldn't allow them because of the  
18 curfew. We were only allowing essential  
19 workers, people who worked there or people  
20 there for different reasons, for safety  
21 reasons. There was a lot of looting in  
22 Manhattan. And there was a significant  
23 group, we told them they couldn't come over  
24 and we gave them, you know, we gave them  
25 messages, they weren't allowed to cross the

1 CHIEF JEFFREY MADDREY

2 bridge. And they were to leave.

3 Q. Do you recall testifying or  
4 providing a statement to the Department of  
5 Investigation saying that you didn't really  
6 get a lot of direction from the Department as  
7 to the curfew order?

8 A. I didn't get a lot of direction, I  
9 mean when the curfew was put in place, you  
10 know, we were told we were going to give  
11 ample warnings to people that we just weren't  
12 going to immediately arrest people. And that  
13 it was to help with public safety pretty  
14 much, that was it. We knew we had to give  
15 ample warnings and it was all about keeping  
16 people safe and keeping the community safe  
17 and property safe.

18 Q. And you previously had stated that  
19 you ordered a line preventing people onto the  
20 bridge; is that right?

21 A. Yes.

22 Q. Do you remember any other order as  
23 incident commander for that night?

24 A. No. We were just -- we were just  
25 not allowing people to cross the bridge

CHIEF JEFFREY MADDREY

without, you know, being an essential worker or someone who lived in Manhattan or someone who had some proper cause. The crowd started getting very unruly and hostile toward us, getting, getting in the officers' faces and I believe a couple of bottles were thrown as well. And we were standing there for quite a while. A significant amount of time. It wasn't a short amount of time we were standing there with them. And then at some point I think somebody attacked one of the officers and we made a few arrests. The crowd started walking, you know, garbage cans were being thrown. We were walking behind them as they were walking.

Q. Were you walking?

A. Yes, I was walking.

Q. Sorry, where were you walking? I was unclear.

A. Walking down Cadman Plaza in the direction toward Atlantic Avenue. The group split up, the bulk of the group went down into the Fulton Street Mall area which I walked maybe two blocks, three blocks with

1 CHIEF JEFFREY MADDREY

2 them and then we stopped and turned around  
3 and went back to the bridge.

4 Q. Were you aware of an allegation a  
5 protester was hit over the head with a baton?

6 A. Not that I recall.

7 Q. And that he had to get stitches to  
8 his head?

9 A. Not that I'm aware of.

10 Q. Were you aware of an incident that  
11 a journalist was pushed by an officer to the  
12 ground?

13 A. No. I'm not personally aware.

14 Q. Were you aware of an protesters who  
15 testified to the AG office during a public  
16 hearing she was pushed with somebody by an  
17 officer with their baton?

18 A. I'm not aware of that incident.

19 Q. Did you hand out flex cuffs to any  
20 officers that evening?

21 A. I don't hand out flex cuffs, no.

22 Q. Were you aware whether officers  
23 were using flex cuffs that evening to  
24 apprehend individuals?

25 A. I was not personally aware, no.

1 CHIEF JEFFREY MADDREY

2 Q. Did you help arrest anybody?

3 A. No.

4 Q. Were you injured yourself?

5 A. No.

6 Q. Did you do any After Action  
7 Reports?

8 A. No.

9 Q. I'm including -- sorry, did you do  
10 any assessments verbally or discuss orally  
11 what happened at the protest in an effort to  
12 assess your performance?

13 A. Not that I recall.

14 Q. Did anybody else ask you to?

15 A. That night?

16 Q. At any point during or after the  
17 protests?

18 A. No.

19 Q. Was SRG at Cadman Plaza on June  
20 30th?

21 A. I think they were, yes.

22 Q. Okay. And do you know if patrol  
23 officers did have flex cuffs where they would  
24 have acquired those?

25 A. No.

1 CHIEF JEFFREY MADDREY

2 Q. Do you know if police officers at  
3 that point were trained in the use of flex  
4 cuffs?

5 A. I would have to look at individual  
6 officers, individual officers go for  
7 different kinds of training. So, there are  
8 patrol officers who are trained with flex  
9 cuffs, there are officers used to be in the  
10 task force. I would have to look at  
11 individuals.

12 Q. Okay. If there were arrests for  
13 unlawful assembly that night it would have  
14 been you as incident commander who authorized  
15 those?

16 A. I don't recall what the charges  
17 were. There were some for disorderly conduct  
18 and curfew violations. I don't know all of  
19 the charges.

20 Q. Did you if there were arrests for  
21 curfew violations would it have been at your  
22 order that those arrests could happen?

23 A. Yes.

24 Q. And same question for disorderly  
25 conduct?



1 CHIEF JEFFREY MADDREY

2 A. Not necessarily, no.

3 Q. Was there any other charges that  
4 would have required your authorization as  
5 incident commander to make the arrest for?

6 A. No.

7 Q. Okay. So not unlawful assembly?

8 A. No.

9 Q. And, sorry, just to make sure that  
10 was clear. It doesn't require an incident  
11 commanders authorization to arrest for  
12 unlawful assembly; is that the testimony?

13 A. No, it does not require instant  
14 commanders authorizations. There are other  
15 supervisors they authorize.

16 Q. Do you know if unlawful assembly  
17 was prepared at Cadman Plaza June 3, 2020?

18 A. Not that I'm aware of.

19 Q. Just shifting gears. In any of  
20 your positions at NYPD have you ever played a  
21 role in the discipline proceedings against a  
22 member of service?

23 A. Ever played a role in the  
24 discipline proceedings? I don't quite  
25 understand your question.

1 CHIEF JEFFREY MADDREY

2 Q. Sure, let me break it down.  
3 Possible roles, have you ever recommended  
4 discipline against a member of service?

5 A. Yes.

6 Q. In what instances, and it can be  
7 general, it doesn't have to be a particular  
8 person?

9 A. I had officers who -- I had one  
10 officer who was charged with assault, assault  
11 of his girlfriend. I had one officer who  
12 some kind of dispute we had to discipline  
13 that officer. I had an officer who  
14 unlawfully fired a round and had discipline  
15 proceeded on that officer. So, you know, a  
16 few throughout my career.

17 Q. So for the girlfriend, what was the  
18 recommended discipline?

19 A. Termination.

20 Q. Why -- that's obviously a severe  
21 discipline, yes?

22 A. Yes.

23 Q. And why did you recommend that  
24 level of discipline?

25 A. I don't -- I'm trying to recall.

1 CHIEF JEFFREY MADDREY

2 It's been over ten years. So, I'm just  
3 trying to recall. It was when I investigated  
4 it was immediate situation. It was a young  
5 girl she had glasses, she took her glasses  
6 off her eye was basically shattered, so we  
7 recommend harsh.

8 Q. Because you take domestic violence  
9 disputes seriously?

10 A. Yes.

11 Q. And then what did you recommend for  
12 the officers who you said unlawfully fired a  
13 round from their service recommend?

14 A. I did not recommend anything. I  
15 just recommended charges and specs.

16 Q. What happened to that case?

17 A. I don't know the outcome.

18 Q. Why did you recommend charges and  
19 specs?

20 A. Just the normal thing, recommend  
21 charges and specifications that way the  
22 department advocate would, would make the  
23 determination from there.

24 Q. Is that because of misuse of a  
25 service weapon is a serious offense?

1 CHIEF JEFFREY MADDREY

2 A. Yes.

3 Q. Okay. So, just going back to the  
4 roles, have you ever approved discipline?

5 A. I mean in-house discipline, yes.

6 Q. Is that meaning like command  
7 discipline?

8 A. Yes, I have approved command  
9 discipline. Approved modifications, I  
10 approved suspensions.

11 Q. And that's modifications of  
12 assignment?

13 A. Yes, we remove the officers shield  
14 and weapon.

15 Q. Okay. And did you either recommend  
16 or approve discipline for any officers with  
17 regards to misconduct at the protests?

18 A. No.

19 Q. Did you track discipline of your  
20 subordinates in any of your roles in NYPD?

21 A. No.

22 Q. Or monitor?

23 A. No.

24 Q. Did you receive training with  
25 respect to insure subordinates are complying

1 CHIEF JEFFREY MADDREY

2 with NYPD policy?

3 A. Yes.

4 Q. What is that training that you  
5 received?

6 A. I mean when you get promoted to  
7 sergeant, captain you go through a different  
8 training school and just your role as  
9 supervisor.

10 Q. What did they teach you about those  
11 responsibilities specifically?

12 A. Teach you about being responsible  
13 for monitoring your personnel, teach you how  
14 to do administrative functions. Things of  
15 that nature.

16 Q. You are saying in general. Is  
17 there anything specific that they say you  
18 have to do to insure subordinates are  
19 complying with NYPD policing?

20 A. You monitor your subordinates and  
21 make sure they follow-up. I don't know  
22 specifically what you say, you monitor their  
23 actions and make sure they are in compliance  
24 with the policy.

25 Q. For instance, do you have anybody

1 CHIEF JEFFREY MADDREY

2 under your command gather all of the TRI's  
3 for those in your command and look at them in  
4 a set point quarterly or weekly or monthly or  
5 something along those lines? I'm trying to  
6 see if there's anything protocol-wise you had  
7 in place?

8 A. Yes. And at the borough level when  
9 I was borough commander all of the TRIs  
10 forward down to the borough and one of the  
11 inspectors, I don't recall which inspector,  
12 had that assignment, but they will review the  
13 TRI Reports for compliance.

14 Q. For compliance in the sense they  
15 were filled out?

16 A. They were filled out, yes.

17 Q. Did they look at anything else like  
18 patterns emerging across TRI's?

19 A. Not that I'm aware of.

20 Q. Did they report out to you anything  
21 specific?

22 A. If it was egregious they report to  
23 me. Nothing that I recall at this moment.

24 Q. Do you remember receiving any  
25 report out regarding the TRI's during the

1 CHIEF JEFFREY MADDREY

2 protests?

3 A. No.

4 Q. Did you review body worn camera  
5 footage during that time to determine whether  
6 those under your command were complying with  
7 NYPD policy at the protests?

8 A. Very little.

9 Q. Which body work did you review?

10 A. I don't remember. It's been three  
11 years. I don't remember.

12 Q. Is there any mechanism to determine  
13 when an officer should have turned on their  
14 body worn camera but did not?

15 A. Only we have a unit, we have a body  
16 worn camera unit that reviews officers  
17 cameras to make sure they are in compliance  
18 also at the precinct level, supervisor's  
19 integrity control officers they are also  
20 tasked to review body worn calm.

21 Q. Are they able to determine when  
22 they review the body worn that exists are  
23 they able to determine when somebody should  
24 have activated and created footage but did  
25 not?

1 CHIEF JEFFREY MADDREY

2 A. There's ways they can determine  
3 that, but I don't know any specific  
4 instances.

5 Q. Do they report that out?

6 A. Well, yes.

7 Q. Did you receive that report in any  
8 of your supervisor positions?

9 A. No.

10 Q. Why not?

11 MR. HIRAOKA: Objection. You can  
12 answer.

13 A. I just didn't receive it. It  
14 wasn't one of my supervisory functions. I  
15 had other supervisors in my borough who did  
16 that.

17 Q. So who would have received that,  
18 what rank or what position?

19 A. It was our inspectors at the  
20 precinct.

21 Q. Inspector level you mean rank?

22 A. Yes, inspector.

23 Q. Okay. They were asked for, those  
24 reports?

25 A. They basically have oversight of



1 CHIEF JEFFREY MADDREY

2 those reports.

3 Q. Were you ever an inspector?

4 A. Yes.

5 Q. So as an inspector did you see  
6 those kinds of reports?

7 A. By the time they created those  
8 reports I was no longer inspector.

9 Q. Meaning at a certain point the NYPD  
10 did not review for failures to activate body  
11 warn?

12 A. Body worn cameras didn't come into  
13 existence until 2015, 2016. I was already a  
14 chief at that point.

15 Q. Got it. Did you ever receive  
16 training on the importance of giving truthful  
17 statements to IAB inspectors?

18 A. Yes.

19 Q. What does that entail?

20 A. Just past the Department rules, we  
21 will be truthful at the time we give our  
22 statements under oath.

23 Q. Okay. So, it's just based on the  
24 general requirement that everybody in the  
25 service knows and follows the NYPD patrol

1 CHIEF JEFFREY MADDREY

2 guide?

3 A. Yes.

4 Q. Okay. And have you ever been  
5 involved in the decision to promote officers  
6 to the rank of lieutenant or above.

7 A. The regular lieutenant is a test.  
8 The rank of sergeant and captain are tests.

9 Q. And so, sorry, you said lieutenant  
10 sergeant and --

11 A. Captain.

12 Q. What about ranks above that?

13 A. Yes.

14 Q. And what is involved in that  
15 process?

16 A. I mean we will sit down and review  
17 who, what supervisors are out there are doing  
18 a good job, what positions they are in.  
19 Multitude of things we look at. And then we  
20 make a determination whether they are to be  
21 promoted and if they are going to take on a  
22 new assignment or stay active in their  
23 current role.

24 Q. When you say we decide, who is with  
25 you?

1 CHIEF JEFFREY MADDREY

2 A. Currently I will seek guidance from  
3 some of my other bureau chiefs to see who is  
4 doing a good job. If I notice someone is  
5 doing a good job I will ask opinions, find  
6 out, look at some of their work, look at  
7 their performance and then we will go from  
8 there.

9 Q. Okay. And is there a predetermined  
10 person who would decide, for instance, who  
11 gets promoted to patrol, like a patrol  
12 borough command, do you have to be one rank  
13 higher? How does that work as to who can do  
14 the promotion deciding?

15 A. I'm not understand exactly what you  
16 are asking.

17 Q. So let's start with you. Who have  
18 you approved for promotion? And it doesn't  
19 have to be, again, specific to name, but more  
20 like rank?

21 A. At this current position?

22 Q. No, whenever you decided anybody  
23 above captain, if you could give any example?

24 A. I mean it's only really been in the  
25 last year I have recommended deputy

1 CHIEF JEFFREY MADDREY

2 inspector. You have to be in the higher  
3 levels to make these decisions. So, it's  
4 been within the last year I recommended  
5 members to various ranks that would be  
6 inspector, inspector, chief.

7 Q. But you don't have to be chief of  
8 the department to be able to determine if a  
9 deputy inspector goes to inspector, correct?

10 A. You have other chiefs who can make  
11 the recommendation. They can say chief  
12 deputy inspector so and so is performing at a  
13 high level. They have been in the position  
14 for a while. And we will take a look at the  
15 overall, how long they have been doing it and  
16 make a decision. I make recommendations,  
17 ultimately the police commissioner has the  
18 last say.

19 Q. So the police commissioner has to  
20 approve every promotion anything above  
21 captain; is that accurate?

22 A. Every promotion in the department.

23 Q. Every promotion no matter what  
24 level?

25 A. Has to be approved by the police

1 CHIEF JEFFREY MADDREY

2 commissioner, yes.

3 Q. I understood you to say earlier  
4 lieutenant, sergeant, captain is just a test?

5 A. Yes, those are service tests.  
6 Discretionary promotions have to be approved.

7 Q. Discretionary promotions are  
8 anything above the rank of captain?

9 A. Yes, and also detective and other  
10 lower ranks as well.

11 Q. Definitely the commissioner?

12 A. Yes.

13 Q. And then is a disciplinary charge  
14 ever disqualifying in a promotion?

15 A. Sometimes yes.

16 Q. When?

17 A. It depends on the circumstances,  
18 depends on the time.

19 Q. Do you receive any training or is  
20 there any policy that might dictate how to  
21 consider a candidates disciplinary history?

22 A. No.

23 Q. Okay. So it's just, when you say  
24 those factors that play into the  
25 determination whether a disciplinary charge

1 CHIEF JEFFREY MADDREY

2 is disqualifying, that's on a case-by-case  
3 basis?

4 A. Yes.

5 Q. Determined by, I guess, ultimately  
6 the police commissioner?

7 A. Ultimately the police commissioner,  
8 yes.

9 Q. So just to go briefly over the  
10 CCRBs. You said everything that was opened  
11 against you was unsubstantiated as it relates  
12 to the protests?

13 A. To my knowledge, yes.

14 Q. Okay. And what informs your  
15 knowledge?

16 A. I received, I received letters from  
17 CCRB stating that they were closed, that they  
18 were unsubstantiated and closed.

19 Q. Did you receive a letter from CCRB  
20 saying as much for the case we sort of  
21 discussed on May 30th at the Brooklyn Bridge?

22 A. I sat through CCRB hearings for  
23 approximately four days in the summer of  
24 2021. There was multiple charges and to my  
25 knowledge I received letters back on all of

1 CHIEF JEFFREY MADDREY

2 them saying they were all unsubstantiated.

3 Q. Do you know if anybody else, any  
4 other subject officer from that case against  
5 whom charges and specifications were filed?

6 A. I don't understand your question.

7 Q. So you were one subject officer,  
8 but there were others in that case, May 30th,  
9 Brooklyn Bridge. Are you aware of the status  
10 of the case as to those officers?

11 A. No, I don't know who received  
12 complaints on May 30th at the Brooklyn  
13 Bridge, so I can't provide an answer.

14 Q. Okay. And then you had also  
15 testified earlier to a closed case involving  
16 -- my apologies. Tabatha Foster?

17 A. Yes, Foster.

18 Q. And the allegations there were that  
19 you got into a physical altercation with Ms.  
20 Foster?

21 A. Yes.

22 Q. And that you failed to report that  
23 altercation to patrol supervisor?

24 A. Yes.

25 Q. And that you intended to impede the

1 CHIEF JEFFREY MADDREY  
2 investigation by lying about the fact that  
3 Ms. Foster brandished her service weapon?  
4 A. I never lied about that.  
5 Q. That was an allegation?  
6 A. The allegation I impeded the  
7 investigation by -- I impeded the  
8 investigation by telling them that, you know,  
9 I was police chief and everything was okay.  
10 Q. And did Ms. Foster actually  
11 brandish a weapon?  
12 MR. HIRAOKA: No. Don't answer  
13 that.  
14 MS. MARQUEZ: That's a closed case.  
15 MR. HIRAOKA: As I stated on the  
16 record beforehand, I'm not going to  
17 allow him to answer questions regarding  
18 the substance of the case. The  
19 allegations and the outcome is fine.  
20 And I'm not saying you can't ask them  
21 ever, I'm just saying I will not allow  
22 him to answer without his private  
23 counsel present.  
24 MS. MARQUEZ: You said the  
25 opposite. If it's closed you will not



1 CHIEF JEFFREY MADDREY

2 direct him not to answer.

3 Q. This is a closed case, Chief?

4 A. Yes, it is.

5 MR. HIRAOKA: What was your comment  
6 to me?

7 MS. MARQUEZ: I was going to ask  
8 another question.

9 Q. You entered a plea in that case,  
10 yes?

11 A. Yes.

12 Q. The 45 days loss of vacation days;  
13 is that right?

14 A. Yes.

15 Q. And that is a large amount, no?

16 A. Yes.

17 Q. And why did you plead?

18 MR. HIRAOKA: No. Don't answer  
19 that. Okay. So, again, Counsel at this  
20 point, like I said, I'm allowing him to  
21 answer question. It's a closed,  
22 regarding closed allegation, regarding  
23 the allegations and the outcome as for  
24 any subjective matters regarding the IAB  
25 case there's an open civil case, I will

1 CHIEF JEFFREY MADDREY  
2 not allow him to answer further  
3 questions regarding the IAB case without  
4 his counsel present.

5 MS. MARQUEZ: Do you have case law  
6 allowing him not to answer questions?

7 MR. HIRAOKA: Rule 30. This will  
8 be made at that base. He does have a  
9 private counsel. I'm not saying he  
10 can't answer them ever. I'm not  
11 allowing him to answer without his  
12 personal counsel present.

13 MS. MARQUEZ: I'm marking it for a  
14 ruling.

15 Q. You did plead to 45 days loss of  
16 vacation, correct?

17 A. Yes.

18 Q. And I believe you won't stop me  
19 from asking at least what the ultimate  
20 charges that you pled to were?

21 A. Yes, it was physical altercation,  
22 failure to report and impede an  
23 investigation.

24 Q. So to all three?

25 A. Yes.

1 CHIEF JEFFREY MADDREY

2 Q. Okay. If I told you it had been  
3 reported that the last charge was dropped  
4 from the ultimate findings, is that an  
5 accurate reporting?

6 A. When you say the last charge out of  
7 the three I just spoke about?

8 Q. The attempt to impede investigation  
9 was dropped?

10 A. The three<sup>3</sup> charges I just named,  
11 impeded investigation, physical altercation  
12 and failure to report were the three charges.

13 Q. Okay. So your recollection is that  
14 you pled, I guess, guilty to those three?

15 A. Yes.

16 Q. You didn't undergo a trial because  
17 of that plea, correct?

18 A. Yes.

19 MS. MARQUEZ: And I'm going call  
20 for production of that file.

21 MR. HIRAOKA: Put all requests in  
22 writing and we will take it under  
23 advisement.

24 Q. Was Tabatha Foster ever subject to  
25 investigation with respect to that same

1 CHIEF JEFFREY MADDREY

2 investigation?

3 MR. HIRAOKA: Don't answer. Same  
4 objection. I will not let him answer  
5 questions.

6 MS. MARQUEZ: That is a  
7 third-party, Tabatha Foster.

8 MR. HIRAOKA: It still involves, it  
9 still involves the IAB investigation  
10 that is closed and the open civil case,  
11 so same objection.

12 Q. Is Tabatha Foster currently a  
13 member of service?

14 MR. HIRAOKA: Same objection.  
15 Don't answer.

16 MS. MARQUEZ: Seriously, that's a  
17 matter of public record.

18 MR. HIRAOKA: If it's a matter of  
19 public record you can get it.

20 MS. MARQUEZ: So you are actually  
21 directing him not to answer something  
22 that should be in the public record?  
23 You are directing a person not to answer  
24 something in federal, in a deposition  
25 that I could potentially go online and

1 CHIEF JEFFREY MADDREY

2 look up?

3 MR. HIRAOKA: Again, this involves,  
4 this is related to his open civil suit.  
5 All right, so I'm not going allow him to  
6 answer any other questions other than  
7 what he agreed to without his private  
8 counsel present.

9 MS. MARQUEZ: Are you going to stop  
10 me from asking him if he has an open  
11 civil suit?

12 MR. HIRAOKA: You did.

13 MS. MARQUEZ: That's an open civil  
14 suit. I think we can agree not all  
15 questions about open civil suit that it  
16 falls within whatever you are defining  
17 as something you could tell him to stop  
18 responding to.

19 MR. HIRAOKA: We will go question  
20 by question basis. So, you know, you  
21 can continue with your questioning. I'm  
22 not obstructing your questioning. I'm  
23 just saying there are certain parameters  
24 that I will not let him go beyond and  
25 answer the questions because he does not

1 CHIEF JEFFREY MADDREY  
2 have private counsel present here.

3 Q. Did Ms. Foster retire?

4 A. Yes.

5 Q. When did she retire?

6 MR. HIRAOKA: That's it. Lillian,  
7 no more about her retirement.

8 MS. MARQUEZ: I want to get it on  
9 the record, you are directing the  
10 witness not to answer my question?

11 MR. HIRAOKA: That particular  
12 question, yes.

13 MS. MARQUEZ: Okay.

14 Q. Did you consider the altercation  
15 akin to domestic violence incident?

16 MR. HIRAOKA: Don't answer. Same  
17 objection.

18 Q. You are taking the advise of  
19 counsel, Chief, on all of these; is that  
20 correct?

21 A. He's the lawyer, yes.

22 Q. Okay. Just want to make sure.

23 And is it not a violation of NYPD  
24 policy that pulling out a service weapon,  
25 otherwise known as brandishing a service

1 CHIEF JEFFREY MADDREY

2 liable?

3 A. No.

4 Q. Anywhere the City of New York was  
5 found to be liable?

6 A. No.

7 Q. Okay. Are you aware of a CCRB  
8 investigation into an incident November 24,  
9 2021 where you are alleged to have abused  
10 your authority by releasing from custody  
11 retired NYPD Officer Kruythoff?

12 A. Yes.

13 Q. And what is the status of that  
14 CCRB?

15 A. I just -- I decided that I'm going  
16 to take this to trial. So, I'm going to  
17 trial.

18 MR. HIRAOKA: It's still open?

19 THE WITNESS: It's open, yes.

20 Q. Are you aware of reporting that  
21 Commissioner Sewell has reprimanded you in  
22 connection with this matter by proposing a  
23 loss of ten vacation days?

24 A. Yes.

25 Q. And do you know that to be

1 CHIEF JEFFREY MADDREY

2 accurate?

3 A. It was proposed to me and I did not  
4 accept the findings.

5 Q. And how was it proposed to you?

6 MR. HIRAOKA: Don't answer that.

7 Q. And the allegation is abuse?

8 MR. HIRAOKA: Same objection

9 because his private counsel isn't here.

10 Q. I get to ask the question at least.  
11 Is the allegation, do you know what the  
12 allegations are? I will go through what I  
13 understand they are. Abuse of authority?

14 A. Yes.

15 Q. Anything else?

16 A. That's it.

17 Q. Okay. Did you play any role in  
18 causing the release of Mr. Forrester from  
19 custody?

20 MR. HIRAOKA: Objection. Same  
21 objection. His private counsel is not  
22 here. Again, we are going into the  
23 underlying facts of the case.

24 MS. MARQUEZ: You are directing him  
25 not to answer?



1 CHIEF JEFFREY MADDREY

2 MR. HIRAOKA: Don't answer.

3 Q. What was the recommendation by  
4 CCRB?

5 A. Schedule B command discipline ten  
6 days.

7 Q. Were you served with charges and  
8 specifications yet?

9 A. Yes.

10 Q. Okay. Is that where you got the  
11 proposal for the ten days?

12 A. No.

13 Q. Okay. This is by separate  
14 communication?

15 A. Yes.

16 Q. Would a false arrest be  
17 investigated by an abuse of authority by the  
18 CCRB?

19 MR. HIRAOKA: In this case or in  
20 general?

21 MS. MARQUEZ: In general.

22 A. A false arrest?

23 Q. Yes.

24 A. Yes.

25 Q. Okay. And were you interviewed by

1 CHIEF JEFFREY MADDREY  
2 CCRB in relation to this matter?

3 A. Yes.

4 MS. MARQUEZ: We call for the  
5 production of this case.

6 MR. HIRAOKA: Please make all  
7 requests in writing. We will take it  
8 under advisement.

9 MS. MARQUEZ: Just to get on the  
10 record you are, you are directing the  
11 Chief not to answer any further  
12 questions on the CCRB or the closed IAB  
13 relating to Ms. Foster for the civil  
14 suit by Ms. Foster, correct?

15 MR. HIRAOKA: No. I said we will  
16 take it on a question by question basis.  
17 You are free to ask the questions. If I  
18 find it's too far into the underlying  
19 case I will direct him not to answer.  
20 He is my client and I'm defending him,  
21 his private counsel is not here.

22 Q. At any point before today did you  
23 know retired NYPD Officer Forrester?

24 A. Yes.

25 Q. In what capacity?

1 CHIEF JEFFREY MADDREY

2 MR. HIRAOKA: Objection. Don't  
3 answer that.

4 Q. When was he retired?

5 MR. HIRAOKA: Objection. Don't  
6 answer that either.

7 Q. Do you know that he was alleged to  
8 have chased three teens in Brownsville with a  
9 gun?

10 MR. HIRAOKA: Objection. Don't  
11 answer.

12 Q. Do you know that Mr. Forrester was  
13 taken into custody by NYPD officers?

14 MR. HIRAOKA: Objection. Don't  
15 answer.

16 Q. Do you know the reason for him  
17 being taken into custody?

18 MR. HIRAOKA: Objection. Don't  
19 answer.

20 Q. Again, this relates to November 24,  
21 2021, do you understand?

22 A. Yes.

23 Q. What happened ultimately to  
24 Mr. Forrester?

25 MR. HIRAOKA: Objection. Don't

1 CHIEF JEFFREY MADDREY

2 answer.

3 Q. When did you first learn of  
4 Forrester's arrest?

5 MR. HIRAOKA: Objection. Don't  
6 answer.

7 Q. What did you do with that  
8 information, if anything?

9 MR. HIRAOKA: Objection. Don't  
10 answer.

11 Q. Have you spoken to the press in any  
12 capacity around these allegations?

13 MR. HIRAOKA: Objection. Don't  
14 answer.

15 Q. What role, if any, did you play in  
16 causing the release of Mr. Forrester from  
17 custody?

18 MR. HIRAOKA: Objection. Don't  
19 answer.

20 Q. And why did you direct that action?

21 MR. HIRAOKA: Objection. Don't  
22 answer.

23 Q. Is this in accordance with NYPD  
24 policy?

25 MR. HIRAOKA: Objection. Don't

1 CHIEF JEFFREY MADDREY

2 answer.

3 Q. Did you cause his arrest to be  
4 voided?

5 MR. HIRAOKA: Objection. Don't  
6 answer.

7 Q. And, Chief, just as a general  
8 matter, what does it mean for an arrest to be  
9 voided?

10 MR. HIRAOKA: A general manner.

11 A. As a general manner if you find  
12 probable cause is lacking you can void an  
13 arrest.

14 Q. Was this incident investigated by  
15 anybody, any other entity other than CCRB?

16 A. Yes.

17 Q. By whom?

18 A. By the Internal Affairs Bureau, by  
19 Kings County District Attorney's office.

20 Q. Okay. Are those investigations  
21 closed?

22 A. Yes.

23 Q. And what is the outcome, if you  
24 know?

25 A. Both of them found that I did

1 CHIEF JEFFREY MADDREY  
2 remainder of the time for a court ruling  
3 to bring you back.

4 Was there anything on your end,  
5 Joe?

6 MR. HIRAOKA: No. I mean we are  
7 agreeing to bring him back.

8 MS. MARQUEZ: Well, at Counsel's  
9 expense. I think you inappropriately  
10 directed him not to answer questions on  
11 these things. I was asking if you had  
12 any questions.

13 MR. HIRAOKA: No, no questions.  
14 Once again, we will bring him back  
15 and, you know, we are not directing him  
16 not to answer forever it's just he can  
17 answer in the presence of his private  
18 counsel.

19 MS. MARQUEZ: I think that's it  
20 then.

21 (Time noted: 6:00 p.m.)  
22

23 \_\_\_\_\_  
24 JEFFREY MADDREY  
25